


**FILED**

AUG - 1 2008

CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
BY  DEPUTY

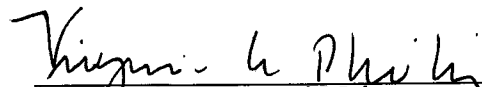
**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**EASTERN DIVISION**

9	GAYLORD SMITH,	)	Case No. EDCV 08-3940-VAP (MLG)
10	Petitioner,	)	
11	v.	)	ORDER ACCEPTING AND ADOPTING
12	DEBRA DEXTER, Warden,	)	FINDINGS AND RECOMMENDATIONS OF
13	Respondent.	)	UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the petition and all of the records and files herein, and has conducted a de novo review of that portion of the Report and Recommendation of the United States Magistrate Judge to which objections were filed. The Court accepts and adopts the findings and recommendations in the Report and Recommendation and orders that judgment be entered dismissing the petition without prejudice.

IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order and the Judgment on all parties.

Dated: July 31, 2008

  
 Virginia A. Phillips  
 United States District Judge